Reasons for the Appeal of the decision by the Minneapolis Zoning Board of Adjustment regarding 247 Chicago Avenue South (BZZ #5910, Ward 7)

June 14, 2013

On June 6, 2013, the Zoning Board of Adjustment (BOA) granted the appeal by MegaBus of the Zoning Administrator's determination that the bus passenger loading and unloading at 247 Chicago Avenue South is classified as a Bus Turnaround under the Minneapolis Code of Ordinances, thus requiring a conditional use permit (CUP).

The business owners in the adjacent buildings and other neighbors believe the BOA's decision on the MegaBus appeal was in error and that the recommendation by the Department of Community Planning and Economic Development - that MegaBus' use of the parking lot is a Bus Turnaround that requires a CUP - was correct.

Moreover, since the Department's recommendation, more compelling information the BOA may not have had at its disposal has come to light that supports the determination that a CUP should be required – and that MegaBus' use of the parking lot as it is cannot be sustained.

Two port-a-potties, one street light and a sign sticking out of a can do not a bus station make.

The issue for the neighborhood has always been that MegaBus does not use the parking lot on Chicago Avenue like a city bus stop, but picks up and drops off passengers - currently about eight (8) times a day - for an approximately eight (8 1/2+) hour ride to or from the City of Chicago (and other similarly distant cities). This is not akin to a suburban bus transporting people from the edge of the city to the center to work and shop – or between Minneapolis and St. Paul. These people arrive and depart with luggage and with easily foreseeable physical needs.

Currently about eight times a day/night, MegaBuses arrives and departs with 50+- passengers. They're cold. They're wet. They're tired. They want to wash up. They and their children need to use the restroom sooner than two port-a-potties and the bus toilet can accommodate. Before and after these bus turnarounds MegaBus passengers need shelter from the weather. They need toilets, a place to freshen up, a drink of water, a place to set their luggage, a place to wait for the bus, a phone to use, a place to wait for rides from people picking them up, a place to sit down. Particularly after dark, they need a place where they can feel protected from crime. In short, they need a bus station/terminal.

In the absence of a facility to accommodate their needs, MegaBus passengers use any adjacent business's facilities and supplies to meet their humanly foreseeable needs.

<u>Cost Transfer to Nearby Businesses.</u>

MegaBus transfers the cost of the necessary facility to all the businesses within walking distance of 247 Chicago Avenue. MegaBus passengers find any bathroom they can get to. They use toilet paper, paper towels, and leave the messes people do when they use facilities. They use any lobby they can find to get out of the weather (bank, restaurant, hotel, liquor store, grocery store, etc.). They plug their phones into outlets. They ask for water. They ask to use the phone. The polite ones ask if they can sit in the lobby. The less polite just treat all lobbies like they're owned by MegaBus.

The businesses in the near vicinity of 247 Chicago are not the type businesses (like a gas station or convenience store) that might appreciate this traffic. Increasingly, arriving passengers are going into the local restaurants and asking for money and free food. MegaBus passengers choose MegaBus because the tickets are fantastically cheap. Not because they have money to spend in nearby businesses. The tickets are fantastically cheap because MegaBus pays no property taxes and maintains no facility for taking care of the human needs of their passengers.

In desperation, the landlord for the 903 Washington Ave. building proposed locking the bathrooms and providing for a key fob system – forcing these upscale businesses to treat their customers and employees like they are in a road side gas station.

And what a welcome to Minneapolis.

MegaBus arrivals in Minneapolis are welcomed by a dingy, run down parking lot – with no decent facilities to use – or even in sight. The nearest real bathrooms are in businesses that require at least a block walk. Yet they walk because port-a-potties are smelly and disgusting and inadequate for washing the travel grit from your skin before you meet the friends who are coming to pick you up.

And who wouldn't prefer a nice, safe bank lobby, restaurant lobby, restaurant patio, hotel lobby, market, or liquor store as a place to wait - with luggage - rather than to wait exposed on that parking lot in the dark, the rain, the cold or the hot? And that's what they do. They hunt around for bathrooms, for lobbies, for any place they can find to get out of that parking lot and wait.

Tourists, students and others looking for bargain transportation between bigger cities often choose MegaBus. This unattractive and unwelcoming stop in Minneapolis should never be the place 1st time visitors get dumped off. In the City of Chicago, the MegaBus loading and unloading location is adjacent to The Union Station – a place designed to accommodate people departing for and arriving from long distance trips. People there can wait protected from the elements and use the phones, lockers, coffee shops and restrooms for all the reasons people do. An owner at Sanctuary has a friend (a female lawyer) who recently came to Minneapolis from Chicago on MegaBus. As they waited with her for the 10:30 p.m. departure, she said, "Chicago would never let MegaBus do what they're doing in Minneapolis."

MegaBus Arrivals 30 – 60 Minutes Early are No Solution

MegaBus claims that they took care of the problem by sending their busses to pick up the passengers early so they could get out of the weather and have an added bathroom to use. Arriving 30 minutes early merely gives the bus driver the time to issue the tickets as the passengers line up with their luggage *outside* waiting to get on the bus.

Even assuming sitting on the bus an additional hour before departure helps, many passengers arrive whenever they can get someone to give them a ride. If they arrive before the bus, they often seek out other shelter. Again, generally they are not looking to spend money in the nearby businesses. They are merely loitering with their luggage and making life more complicated both for business owners and their paying customers.

Just this week, one MegaBus passenger was lying behind the fountain on the Sanctuary patio – luggage nearby, having plugged her phone into the outlet by the fountain to recharge the battery.

MegaBus Says it Tells its Customers Not to Bother Local Businesses

Right. If you were a MegaBus customer, would you follow this instruction?

VOLUME OF TRAFFIC INCREASING

In the time since the neighborhood impact statement was made, matters have gotten worse. As word of the incredibly cheap tickets between Minneapolis and the City of Chicago has spread, the number of busses, number of passengers and number of difficulties has increased. Given those price levels (that a competing business with facilities and local property taxes cannot match), we can only expect that MegaBus traffic volume will continue to increase – further stressing nearby businesses forced to accommodate the physical needs of passengers for free.

SAFETY AND CRIME CONCERNS HAVE GROWN

Last week, a fight broke out in the parking lot when there were not enough seats on a bus to accommodate all the waiting passengers. Moreover, at times, two busses arrive for late night transportation. This week, two police squad cars had to be dispatched to meet these buses. It has become quite scary to walk around the neighborhood during those periods of time when the recently disembarked passengers are milling around the parking lot. Ensuring the safety of the people arriving on the bus – as well as the safety of local business customers and local residents – is making the neighborhood less attractive. One local resident says she will no longer walk on the side of the street where the MegaBus loads and unloads.

City Investment Compromised

In addition to all the property improvements that have been made by business and home owners in the new theater district of the Mill City neighborhood, the City has invested a lot of money in trying to clean up the blight and beautify the south end of Washington Avenue – and has even more plans for such investment. The way MegaBus is using the parking lot at 247 Chicago Avenue is introducing a use inconsistent with the city's goals for the area.

"Bus Turnaround"

Apparently there is some disagreement or confusion about the definition of the term "bus turnaround" as it applies to this case. All we know is that the MegaBus unloads all their passengers at one time, refills the bus with new passengers, turns right around and heads back in the opposite direction. Obviously, this is not like a city bus running a local transportation schedule. If these passengers were not taking MegaBus, they'd by taking Greyhound or an airplane. All similar competing businesses have terminals.

We support the position of the Department of Community Planning and Economic Development and believe that MegaBus uses this parking lot as a completely inadequate make-shift bus station for long distance travelers. This is an inappropriate use from a human and business perspective. Their use requires a CUP, an adequate facility or a more appropriate location.

MegaBus cannot in any sense be treated as a city bus using the 247 Chicago Avenue parking lot like a city "bus stop" that accommodates workers commuting to work. MegaBus is using an ugly piece of asphalt as a dumping ground to keep the cost of their service low by passing part of it on to nearby Minneapolis tax paying businesses and to Minneapolis taxpayers in the form of necessary added city police and security.

The business owners in the 903 Washington Avenue South building – and other neighbors – respectfully request a reversal of the decision of the BOA and look forward to the public hearings on the subject.

Respectfully submitted,

The Landlord and business owners of 903 Washington Ave. S., Minneapolis, MN